



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Daniel KOPF et al.

Group Art Unit: 2828

Application No.: 10/006,396

Examiner: D. Nguyen

Filed: December 10, 2001

Docket No.: 111399

For: HIGH POWER AND HIGH GAIN SATURATION DIODE PUMPED LASER MEANS
AND DIODE ARRAY PUMPING DEVICE

8/Election
6.3.03
A. Wall

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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In reply to the February 25, 2003 Election of Species Requirement, Applicants provisionally elect Species II, Figures 3a-3b, 4a-4c, 5, 8a-8d and 9a-9c alleged to be a species by the Election of Species Requirement, with traverse. At least claims 1-8 and 14-28 correspond to the elected alleged Species.

It is also respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. In particular, at least claims 1-28 are linked by a common inventive concept with claim 1 as the generic claim. The diode-pumped laser of claim 17, for example, uses the laser means according to claim 1, and therefore necessarily includes the features of this claim. The inventive concept unifying all alleged species is a specific way of beam shaping, such that the beam spot would maintain its pattern even if one of the emitters dies or degrades with time. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden.

See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested, and Applicants maintain their right to file a divisional application to pursue the non-elected claims.

Respectfully submitted,



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Date: May 27, 2003

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